

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 3/11/2014 9:34:01 PM
To: Smith, Judy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ee19f414aed418da7ea753c0a1d7b85-Smith, Judy]
CC: Fertik, Rachel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a6c790cf3c54a61a6dbb8668509d74c-RFertik]
Subject: RE: Status of Kentucky 404(c)

I would say something like:

Typically if issues are resolved during the first step of the 404(c) review process (i.e., the 15-day letter stage), EPA communicates this in a letter to the relevant stakeholders which typically include the Corps of Engineers, site owners, and project proponents.

If such a resolution were reached during the first step of the review process in the Pebble deposit case we would send letters to the relevant stakeholders and, in light of the high level of public interest in the Pebble deposit case, we would also likely make some sort of public announcement via our website, list serve, press release and/or other appropriate vehicle.

-Palmer

-----Original Message-----

From: Smith, Judy
Sent: Tuesday, March 11, 2014 5:09 PM
To: Hough, Palmer
Cc: Fertik, Rachel
Subject: FW: Status of Kentucky 404(c)

Here is a follow up communication from Pebble Watch. Suggested responses?

-----Original Message-----

From: Oxford, Mariah [mailto:moxford@bristol-companies.com]
Sent: Tuesday, March 11, 2014 1:29 PM
To: Smith, Judy
Subject: RE: Status of Kentucky 404(c)

Judy,

One other question I thought of regards the 404(c) process. Perhaps you can answer it. In my search for information regarding the 404(c) action in Kentucky, I did not come across any official notification of how the process resolved.

In the case of the Pebble deposit and the current 404(c) proceedings: If EPA and mine proponents were to come to an understanding that would resolve EPA's concerns, how would that be communicated to the public?

Thank you.

Mariah Oxford
Editorial and Design Consultant
Bristol Industries, LLC
Anchorage, AK 99501-5109
Phone : (907) 782-6600 (cell)
moxford@bristol-companies.com
<http://www.bristol-companies.com/>

From: Smith, Judy [Smith.Judy@epa.gov]
Sent: Tuesday, March 11, 2014 12:19 PM
To: Oxford, Mariah
Subject: RE: Status of Kentucky 404(c)

Hi Mariah -

Since the Clean Water Act was passed in 1972, EPA has initiated 29 404(c) actions, and of those 13 have progressed to a final action know as a Final Determination. In the other 16 cases, based on input received during the multi-step 404(c) review process, EPA decided not to move forward and issue final

restrictions or prohibitions. In the case of the Big Branch coal mine in Kentucky, EPA Staff worked with representatives of the mine operator to identify changes to the project that would significantly reduce anticipated impacts to ecologically important streams, resolving EPA's outstanding concerns.

Hope this helps,

Judy

-----Original Message-----

From: Oxford, Mariah [mailto:moxford@bristol-companies.com]
Sent: Thursday, March 06, 2014 2:43 PM
To: Smith, Judy
Subject: Status of Kentucky 404(c)

Hi Judy,

Thank you again for giving me a heads up last week - I was able to listen in on the conference and do a quick Facebook message before I got on the road.

Sonya and I have been reviewing 404(c) history and procedures to help supplement our overview of the Watershed Assessment. We're hoping to print and send in the next week or so.

One question that has come up regards reference to a 404(c) action at the Big Branch coal mine in Kentucky. One of our researchers noted that it was still pending, but I've not been able to find any documentation on it since this letter in 2009.

http://www.epa.gov/owow/wetlands/pdf/BigBranch_15DayExtension_5-13-09.pdf

I'm likely not looking in the right places. What would be the easiest way of finding out status on this? (I know it's a separate region, but thought you might be able to guide me). Thank you Judy.

Mariah Oxford
Editorial and Design Consultant
Bristol Industries, LLC
Anchorage, AK 99501-5109
Phone : (907) 782-6600 (cell)
moxford@bristol-companies.com
<http://www.bristol-companies.com/>

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